

FILED
MAR 3 1971

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

March 1971

Grand Jury
9373

UNITED STATES OF AMERICA,)

NO. _____ CD

Plaintiff,)

I N D I C T M E N T

v.)

ANTHONY JOSEPH RUSSO, JR.,)
DANIEL ELLSBERG,)

Defendants.)

[18 U.S.C. §371: Conspiracy;
18 U.S.C. §641: Stealing
Government Property; Concealing
Stolen Government Property;
Unauthorized Conveying of
Government Property; Receiving
Stolen Government Property;
18 U.S.C. §793(c): Receiving
National Defense Documents;
18 U.S.C. §793(d)(a): Communi-
cating National Defense Documents;
18 U.S.C. §793(e): Retaining
National Defense Documents.]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. §371]

Commencing about March 1, 1969, and continuing to about
September 30, 1970, defendants ANTHONY JOSEPH RUSSO and
DANIEL ELLSBERG, and unindicted co-conspirators Vu Van Thai,
Lynda Sinay, and others unknown to the grand jury, agreed,
confederated and conspired together:

(1) to defraud the United States and an agency thereof
by impairing, obstructing, and defeating its lawful govern-
mental function of controlling the dissemination of classified
Government studies, reports, memoranda and communications; and

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DRN:fw

1 (2) to commit offenses against the United States as
2 follows:

3 (a) to embezzle, steal and knowingly convert to their
4 own use and the use of others, and without authority to con-
5 vey and dispose of classified Government studies, reports,
6 memoranda and communications which were things of value of
7 the United States of a value in excess of \$100; and to receive,
8 conceal, and retain said classified Government studies,
9 reports, memoranda and communications with intent to con-
10 vert them to their own use and gain, knowing them to have been
11 embezzled, stolen, and converted, in violation of Title 18,
12 United States Code, Section 641;

13 (b) to receive, obtain, and attempt to receive and
14 obtain documents and writings connected with the national
15 defense for the purpose of obtaining information respecting
16 the national defense, and with knowledge and reason to believe
17 that said documents and writings would be disposed of con-
18 trary to the provisions of Title 18, United States Code,
19 Sections 793(d) and (e), by their communication, delivery and
20 transmittal to persons not entitled to receive them, in vio-
21 lation of Title 18, United States Code, Section 793(c);

22 (c) willfully to communicate, deliver, transmit, and
23 attempt to communicate, deliver and transmit documents and
24 writings relating to the national defense, which defendants
25 would have in their lawful and unauthorized possession, to
26 persons not entitled to receive them, in violation of Title
27 18, United States Code, Section 793(d) and (e);

28 (d) willfully to retain documents and writings relating
29 to the national defense which would be in defendants'
30 unauthorized possession, and to fail to deliver them to the
31 officer or employee of the United States entitled to receive
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1 them, in violation of Title 18, United States Code, Section
2 793(e).

3 The objects of the conspiracy were as follows:
4 defendants would obtain and cause to be obtained, classified
5 Government documents relating to the national defense, from
6 Rand Corporation, Santa Monica, California, and Washington,
7 D.C., and from other sources. The documents would be com-
8 municated, delivered and transmitted to defendants and others,
9 none of whom would be authorized to receive them. Defendants
10 and their co-conspirators would retain the documents, copy
11 them, and communicate them to persons not entitled to receive
12 them.

13 To effect the objects of the conspiracy, defendants
14 committed various overt acts in the Central District of
15 California, including the following:

16 1. On or about March 4, 1969, defendant ELLSBERG
17 brought ten volumes of a 38-volume Department of Defense
18 study entitled "UNITED STATES - VIETNAM RELATIONS 1945-1967"
19 to Los Angeles County, California, from Rand Corporation,
20 Washington, D. C.

21 2. On or about April 7, 1969, defendant ELLSBERG ob-
22 tained from Rand Corporation, Santa Monica, California, Part
23 II of a memorandum entitled "NEGOTIATIONS AND VIETNAM: A
24 CASE STUDY OF THE 1954 GENEVA CONFERENCE."

25 3. On or about August 29, 1969, defendant ELLSBERG
26 brought eight volumes of a 38-volume Department of Defense
27 study entitled "UNITED STATES - VIETNAM RELATIONS 1945-1967"
28 to Los Angeles County, California, from Rand Corporation,
29 Washington, D. C.

30 4. On or about October 3, 1969, defendant ELLSBERG
31 obtained from Rand Corporation, Santa Monica, California, a
32 document consisting of pages 1, 2, 3, 4, 9, 12, 13 and 14 of

1 a memorandum dated 27 February 1968, entitled "REPORT OF
2 CHAIRMAN, JCS ON SITUATION IN VIETNAM AND MACV FORCE
3 REQUIREMENTS."

4 5. On or about October 4, 1969, defendants ELLSBERG
5 and RUSSO, and co-conspirator Sinay operated a xerox copy
6 machine at 8101 Melrose Avenue, Los Angeles, California.

7 6. On or about October 19, 1969, co-conspirator Vu Van
8 Thai possessed one volume of a 38-volume Department of Defense
9 study entitled "UNITED STATES - VIETNAM RELATIONS 1945-1967,"
10 namely volume VI C.4, entitled "SETTLEMENT OF THE CONFLICT,
11 Negotiations, 1967 - 1968, HISTORY OF CONTACTS."

12 7. During the period from about March 4, 1969, to about
13 May 20, 1970, defendant RUSSO possessed the following:

14 (1) Nine volumes of a 38-volume Department of Defense study
15 entitled "UNITED STATES - VIETNAM RELATIONS 1945 - 1967":

16 <u>Volume</u>	<u>Title</u>
17 I	<u>VIETNAM AND THE UNITED STATES - 1940-1950.</u>
18 IV.A.2.	<u>AID FOR FRANCE IN INDOCHINA - 1950-1954.</u>
19 IV.B.5.	<u>EVOLUTION OF THE WAR - The Overthrow of Ngo</u> 20 <u>Dinh Diem - May - November, 1963.</u>
21 IV.C.4.	<u>EVOLUTION OF THE WAR - MARINE COMBAT UNITS GO</u> 22 <u>TO DA NANG - MARCH 1965.</u>
23 IV.C.5.	<u>PHASE I IN THE BUILD-UP OF U.S. FORCES -</u> 24 <u>THE DEBATE - MARCH-JULY 1965.</u>
25 IV.C.8.	<u>RE-EMPHASIS ON PACIFICATION: 1965 - 1967.</u>
26 IV.C.9(a)	<u>EVOLUTION OF THE WAR - US/GVN Relations:</u> 27 <u>1963 - 1967.</u>
28 IV.C.9(b)	<u>EVOLUTION OF THE WAR - US/GVN Relations:</u> 29 <u>1963-1967 - PART II.</u>
30 VI.C.4.	<u>SETTLEMENT OF THE CONFLICT - <u>Negotiations,</u></u> 31 <u>1967 - 1968 - HISTORY OF CONTACTS.</u>

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(2) Pages 1, 2, 3, 4, 9, 12, 13 and 14 of a memorandum dated 27 February 1968, entitled "REPORT OF CHAIRMAN, JCS ON SITUATION IN VIETNAM AND MACV FORCE REQUIREMENTS."

8. On or about October 1, 1969, co-conspirator Lynda Sinay possessed one volume of a 38-volume Department of Defense study entitled "UNITED STATES - VIETNAM RELATIONS 1945 - 1967", namely volume IV.C.9(b) entitled "EVOLUTION OF THE WAR - US/
GVN Relations: 1963-1967 - PART II."

COUNT TWO

[18 U.S.C. §641]

During the period from about March 4, 1969, to about May 20, 1970, in Los Angeles County, within the Central District of California, defendant DANIEL ELLSBERG did embezzle, steal and knowingly convert to his use and the use of another, the following things of value of the United States and a department and agency thereof:

(1) Nine volumes of a 38-volume Department of Defense study entitled "UNITED STATES - VIETNAM RELATIONS 1945 - 1967":

<u>Volume</u>	<u>Title</u>
I	<u>VIETNAM AND THE UNITED STATES - 1940-1950.</u>
IV.A.2.	<u>AID FOR FRANCE IN INDOCHINA - 1950-1954.</u>
IV.B.5.	<u>EVOLUTION OF THE WAR - The Overthrow of Ngo Dinh Diem - May - November, 1963.</u>
IV.C.4.	<u>EVOLUTION OF THE WAR - MARINE COMBAT UNITS GO TO DA NANG - MARCH 1965.</u>
IV.C.5.	<u>PHASE I IN THE BUILD-UP OF U.S. FORCES - THE DEBATE - MARCH - JULY 1965.</u>
IV.C.8.	<u>RE-EMPHASIS ON PACIFICATION: 1965 - 1967.</u>
IV.C.9(a)	<u>EVOLUTION OF THE WAR - US/GVN Relations: 1963 - 1967.</u>
IV.C.9(b)	<u>EVOLUTION OF THE WAR - US/GVN Relations: 1963-1967 - PART II.</u>
VI.C.4.	<u>SETTLEMENT OF THE CONFLICT - Negotiations, 1967 - 1968 - HISTORY OF CONTACTS.</u>

(2) Pages 1, 2, 3, 4, 9, 12, 13 and 14 of a memorandum dated 27 February 1968, entitled "REPORT OF CHAIRMAN, JCS ON SITUATION IN VIETNAM AND MACV FORCE REQUIREMENTS."

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1 (3) Part II of a memorandum entitled "NEGOTIATIONS AND
2 VIETNAM: A CASE STUDY OF THE 1954 GENEVA CONFERENCE,";

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4 which things had a value in excess of \$100;

5 In violation of Title 18, United States Code, Section
6 641.

COUNT THREE

[18 U.S.C. §641]

During the period from about March 4, 1969, to about May 20, 1970, in Los Angeles County, within the Central District of California, defendant DANIEL ELLSBERG did conceal and retain the following things of value of the United States and a department and agency thereof, with intent to convert them to his own use and gain, knowing them to have been embezzled, stolen and converted:

(1) Nine volumes of a 38-volume Department of Defense study entitled "UNITED STATES - VIETNAM RELATIONS 1945 - 1967":

<u>Volume</u>	<u>Title</u>
I	<u>VIETNAM AND THE UNITED STATES - 1940-1950.</u>
IV.A.2.	<u>AID FOR FRANCE IN INDOCHINA - 1950-1954.</u>
IV.B.5.	<u>EVOLUTION OF THE WAR - The Overthrow of Ngo Dinh Diem - May - November, 1963.</u>
IV.C.4.	<u>EVOLUTION OF THE WAR - MARINE COMBAT UNITS GO TO DA NANG - MARCH 1965.</u>
IV.C.5.	<u>PHASE I IN THE BUILD-UP OF U.S. FORCES - THE DEBATE - MARCH - JULY 1965.</u>
IV.C.8.	<u>RE-EMPHASIS ON PACIFICATION: 1965 - 1967.</u>
IV.C.9(a)	<u>EVOLUTION OF THE WAR - US/GVN Relations: 1963 - 1967.</u>
IV.C.9(b)	<u>EVOLUTION OF THE WAR - US/GVN Relations: 1963-1967 - PART II.</u>
VI.C.4.	<u>SETTLEMENT OF THE CONFLICT - Negotiations, 1967 - 1968 - HISTORY OF CONTACTS.</u>

(2) Pages 1, 2, 3, 4, 9, 12, 13 and 14 of a memorandum dated 27 February 1968, entitled "REPORT OF CHAIRMAN, JCS ON SITUATION IN VIETNAM AND MACV FORCE REQUIREMENTS;"

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(3) Part II of a memorandum entitled "NEGOTIATIONS AND
VIETNAM: A CASE STUDY OF THE 1954 GENEVA CONFERENCE,";

which things had a value in excess of \$100;

In violation of Title 18, United States Code, Section
641.

COUNT FOUR

[18 U.S.C. §641]

During the period from about March 4, 1969, to about May 20, 1970, in Los Angeles County, within the Central District of California, defendant DANIEL ELLSBERG, without authority, did knowingly convey to Anthony Joseph Russo, the following things of value of the United States and a department and agency thereof:

(1) Nine volumes of a 38-volume Department of Defense study entitled "UNITED STATES - VIETNAM RELATIONS 1945 - 1967":

<u>Volume</u>	<u>Title</u>
I	<u>VIETNAM AND THE UNITED STATES - 1940 - 1950.</u>
IV.A.2.	<u>AID FOR FRANCE IN INDOCHINA - 1950-1954.</u>
IV.B.5.	<u>EVOLUTION OF THE WAR - The Overthrow of Ngo Dinh Diem - May - November, 1963.</u>
IV.C.4.	<u>EVOLUTION OF THE WAR - MARINE COMBAT UNITS GO TO DA NANG - MARCH 1965.</u>
IV.C.5.	<u>PHASE I IN THE BUILD-UP OF U.S. FORCES - THE DEBATE - MARCH - JULY 1965.</u>
IV.C.8.	<u>RE-EMPHASIS ON PACIFICATION: 1965 - 1967.</u>
IV.C.9(a)	<u>EVOLUTION OF THE WAR - US/GVN Relations: 1963 - 1967.</u>
IV.C.9(b)	<u>EVOLUTION OF THE WAR - US/GVN Relations: 1963-1967 - PART II.</u>
VI.C.4.	<u>SETTLEMENT OF THE CONFLICT - Negotiations, 1967 - 1968 - HISTORY OF CONTACTS.</u>

(2) Pages 1, 2, 3, 4, 9, 12, 13 and 14 of a memorandum dated 27 February 1968, entitled "REPORT OF CHAIRMAN, JCS ON SITUATION IN VIETNAM AND MACV FORCE REQUIREMENTS,"; which things had a value in excess of \$100;

In violation of Title 18, United States Code, Section 641.

COUNT FIVE

[18 U.S.C. §641]

During the period from about March 4, 1961, to about December 31, 1969, in Los Angeles County, within the Central District of California, defendant DANIEL ELLSBERG, without authority, did knowingly convey to Lynda Sinay the following thing of value of the United States and a department and agency thereof: One volume of a 38-volume Department of Defense study entitled "UNITED STATES - VIETNAM RELATIONS 1945 - 1967"; namely, Volume IV.C.9(b), "EVOLUTION OF THE WAR - US/GVN Relations: 1963-1967 - PART II,"; which thing had a value in excess of \$100;

In violation of Title 18, United States Code, Section 641.

COUNT SIX

[18 U.S.C. §641]

During the period from about August 29, 1969, to about May 20, 1970, in Los Angeles County, within the Central District of California, defendant DANIEL ELLSBERG, without authority, did knowingly convey to Vu Van Thai the following thing of value of the United States and a department and agency thereof: one volume of a 38-volume Department of Defense study entitled "UNITED STATES - VIETNAM RELATIONS 1945 - 1967," namely, Volume VI.C.4, "SETTLEMENT OF THE CONFLICT - Negotiations, 1967 - 1968, HISTORY OF CONTACTS,": which thing had a value in excess of \$100;

In violation of Title 18, United States Code, Section 641.

COUNT SEVEN

[18 U.S.C. §641]

During the period from about March 4, 1969, to about May 20, 1970, in Los Angeles County, within the Central District of California, defendant ANTHONY JOSEPH RUSSO did receive the following things of value of the United States and a department and agency thereof, with intent to convert them to his own use and gain, knowing them to have been embezzled, stolen and converted:

(1) Nine volumes of a 38-volume Department of Defense study entitled "UNITED STATES - VIETNAM RELATIONS 1945 - 1967":

<u>Volume</u>	<u>Title</u>
I	<u>VIETNAM AND THE UNITED STATES - 1940 - 1950.</u>
IV.A.2.	<u>AID FOR FRANCE IN INDOCHINA - 1950-1954.</u>
IV.B.5.	<u>EVOLUTION OF THE WAR - The Overthrow of Ngo Dinh Diem - May - November, 1963.</u>
IV.C.4.	<u>EVOLUTION OF THE WAR - MARINE COMBAT UNITS GO TO DA NANG - MARCH 1965.</u>
IV.C.5.	<u>PHASE I IN THE BUILD-UP OF U.S. FORCES - THE DEBATE - MARCH - JULY 1965.</u>
IV.C.8.	<u>RE-EMPHASIS ON PACIFICATION: 1965 - 1967.</u>
IV.C.9(a)	<u>EVOLUTION OF THE WAR - US/GVN Relations: 1963 - 1967.</u>
IV.C.9(b)	<u>EVOLUTION OF THE WAR - US/GVN Relations: 1963-1967 - PART II.</u>
VI.C.4.	<u>SETTLEMENT OF THE CONFLICT - Negotiations, 1967 - 1968 - HISTORY OF CONTACTS.</u>

(2) Pages 1, 2, 3, 4, 9, 12, 13 and 14 of a memorandum dated 27 February 1968, entitled "REPORT OF CHAIRMAN, JCS ON SITUATION IN VIETNAM AND MACV FORCE REQUIREMENTS,"; which things had a value in excess of \$100;

In violation of Title 18, United States Code, Section 641.

COUNT EIGHT

[18 U.S.C. §793(c)]

On or about April 7, 1969, in Los Angeles County, within the Central District of California, defendant DANIEL ELLSBERG for the purpose of obtaining information respecting the national defense, received and obtained from Rand Corporation, Santa Monica, California, a document connected with the national defense consisting of: Part II of a memorandum entitled "NEGOTIATIONS AND VIETNAM: A CASE STUDY OF THE 1954 GENEVA CONFERENCE," knowing and having reason to believe at the time he received and obtained it, that said document would be disposed of contrary to the provisions of Title 18, United States Code, Section 793(d) and (e);

In violation of Title 18, United States Code, Section 793(c).

COUNT NINE

[18 U.S.C. §793(c)]

On or about October 3, 1969, in Los Angeles County, within the Central District of California, defendant DANIEL ELLSBERG, for the purpose of obtaining information respecting the national defense, received and obtained from Rand Corporation, Santa Monica, California, a document connected with the national defense consisting of pages 1, 2, 3, 4, 9, 12, 13 and 14 of a memorandum dated 27 February 1968, entitled "REPORT OF CHAIRMAN, JCS ON SITUATION IN VIETNAM AND MACV FORCE REQUIREMENTS," knowing and having reason to believe at the time he received and obtained it, that said document would be disposed of contrary to the provisions of Title 18, United States Code, Section 793(d) and (e);

In violation of Title 18, United States Code, Section 793(c).

COUNT TEN

[18 U.S.C. §793(c)]

During the period from about March 4, 1969, to about May 20, 1970, in Los Angeles County, within the Central District of California, defendant ANTHONY JOSEPH RUSSO, for the purpose of obtaining information respecting the national defense, received and obtained from Daniel Ellsberg documents connected with the national defense, consisting of:

(1) Nine volumes of a 38-volume Department of Defense study entitled "UNITED STATES - VIETNAM RELATIONS 1945 - 1967":

<u>Volume</u>	<u>Title</u>
I	<u>VIETNAM AND THE UNITED STATES - 1940 - 1950.</u>
IV.A.2.	<u>AID FOR FRANCE IN INDOCHINA - 1950-1954.</u>
IV.B.5.	<u>EVOLUTION OF THE WAR - The Overthrow of Ngo Dinh Diem - May - November, 1963.</u>
IV.C.4.	<u>EVOLUTION OF THE WAR - MARINE COMBAT UNITS GO TO DA NANG - MARCH 1965.</u>
IV.C.5.	<u>PHASE I IN THE BUILD-UP OF U. S. FORCES - THE DEBATE - March - July 1965.</u>
IV.C.8.	<u>RE-EMPHASIS ON PACIFICATION: 1965 - 1967.</u>
IV.C.9(a)	<u>EVOLUTION OF THE WAR - US/GVN Relations: 1963-1967.</u>
IV.C.9(b)	<u>EVOLUTION OF THE WAR - US/GVN Relations: 1963-1967 - PART II.</u>
VI.C.4.	<u>SETTLEMENT OF THE CONFLICT - Negotiations, 1967 - 1968 - HISTORY OF CONTACTS.</u>

(2) Pages 1, 2, 3, 4, 9, 12, 13 and 14 of a memorandum dated 27 February 1968, entitled "REPORT OF CHAIRMAN, JCS ON SITUATION IN VIETNAM AND MACV FORCE REQUIREMENT," knowing and having reason to believe at the time he received

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1 and obtained them that said documents would be obtained
2 and disposed of contrary to the provisions of Title 18,
3 United States Code, Section 793 (d) and (e);

4 In violation of Title 18, United States Code, Section
5 793(c).
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COUNT ELEVEN

[18 U.S.C. §793(d)(e)]

During the period from about March 4, 1969, to about May 20, 1970, in Los Angeles County, within the Central District of California, defendant DANIEL ELLSBERG, having lawful and unauthorized possession of, access to, and control over documents relating to the national defense, consisting of:

(1) Nine volumes of a 38-volume Department of Defense study entitled "UNITED STATES - VIETNAM RELATIONS 1945 - 1967":

<u>Volume</u>	<u>Title</u>
I	<u>VIETNAM AND THE UNITED STATES - 1940 - 1950.</u>
IV.A.2.	<u>AID FOR FRANCE IN INDOCHINA - 1950-1954.</u>
IV.B.5.	<u>EVOLUTION OF THE WAR - The Overthrow of Ngo Dinh Diem - May - November, 1963.</u>
IV.C.4.	<u>EVOLUTION OF THE WAR - MARINE COMBAT UNITS GO TO DA NANG - MARCH 1965.</u>
IV.C.5.	<u>PHASE I IN THE BUILD-UP OF U.S. FORCES - THE DEBATE - MARCH - JULY 1965.</u>
IV.C.8.	<u>RE-EMPHASIS ON PACIFICATION: 1965 - 1967.</u>
IV.C.9(a)	<u>EVOLUTION OF THE WAR - US/GVN Relations: 1963 - 1967.</u>
IV.C.9(b)	<u>EVOLUTION OF THE WAR - US/GVN Relations: 1963-1967 - PART II.</u>
VI.C.4.	<u>SETTLEMENT OF THE CONFLICT - Negotiations, 1967 - 1968 - HISTORY OF CONTACTS.</u>

(2) Pages 1, 2, 3, 4, 9, 12, 13 and 14 of a memorandum dated 27 February 1968, entitled "REPORT OF CHAIRMAN, JCS ON SITUATION IN VIETNAM AND MACV FORCE REQUIREMENTS,"; did willfully communicate, deliver and transmit said documents

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to Anthony Joseph Russo, a person not entitled to receive
them;

In violation of Title 18, United States Code, Section
793(d)(e).

COUNT TWELVE

[18 U.S.C. §793(d)(e)]

During the period from about March 4, 1969, to about December 31, 1969, in Los Angeles County, within the Central District of California, defendant DANIEL ELLSBERG, having lawful and unauthorized possession of, access to, and control over a document relating to the national defense consisting of one volume of a 38-volume Department of Defense study entitled "UNITED STATES - VIETNAM RELATIONS 1945 - 1967", namely, Volume IV.C.9(b), "EVOLUTION OF THE WAR - US/GVN Relations: 1963-1967 - PART II," did willfully communicate, deliver and transmit said document to Lynda Sinay, a person not entitled to receive it;

In violation of Title 18, United States Code, Section 793(d)(e).

COUNT THIRTEEN

[18 U.S.C. §793(d)(e)]

During the period from about August 29, 1969, to about May 20, 1970, in Los Angeles County, within the Central District of California, defendant DANIEL ELLSBERG, having lawful and unauthorized possession of, access to, and control over a document relating to the national defense consisting of one volume of a 38-volume Department of Defense study entitled "UNITED STATES - VIETNAM RELATIONS 1945 - 1967," namely, Volume VI.C.4, "SETTLEMENT OF THE CONFLICT - Negotiations, 1967 - 1968 - HISTORY OF CONTACTS," did willfully communicate, deliver and transmit said document to Vu Van Thai, a person not entitled to receive it;

In violation of Title 18, United States Code, Section 793(d)(e).

COUNT FOURTEEN

[18 U.S.C. §793(e)]

During the period from about March 4, 1969, to about May 20, 1970, in Los Angeles County, within the Central District of California, defendant DANIEL ELLSBERG, having unauthorized possession of, access to, and control over documents relating to the national defense consisting of:

<u>Volume</u>	<u>Title</u>
I	VIETNAM AND THE UNITED STATES - 1940-1950.
II	U.S. INVOLVEMENT IN THE FRANCO-VIET MINH WAR - 1950-1954.
IV.A.2.	AID FOR FRANCE IN INDOCHINA - 1950-1954.
IV.A.3.	EVOLUTION OF THE WAR, U.S. AND FRANCE'S WITHDRAWAL FROM VIETNAM - 1954-1956.
IV.A.4.	EVOLUTION OF THE WAR. U.S. TRAINING OF THE VIETNAMESE NATIONAL ARMY, 1954-1959.
IV.A.5.	EVOLUTION OF THE WAR, ORIGINS OF THE INSURGENCY - 1954-1960.
IV.B.2.	EVOLUTION OF THE WAR; STRATEGIC HAMLET PROGRAM 1961 - 1963.
IV.B.4.	EVOLUTION OF THE WAR, PHASED WITHDRAWAL OF U.S. FORCES - 1962-1964.
IV.B.5.	EVOLUTION OF THE WAR, THE OVERTHROW OF NGO DINH DIEM, MAY-NOVEMBER 1963.
IV.C.4.	EVOLUTION OF THE WAR, MARINE UNITS GO TO DA NANG - MARCH 1965.
IV.C.5.	PHASE I IN THE BUILD-UP OF U.S. FORCE - THE DEBATE - MARCH-JULY 1965.
IV.C.8.	RE-EMPHASIS ON PACIFICATION: 1965 - 1967.
IV.C.9(a)	EVOLUTION OF THE WAR, US/GVN RELATIONS: 1963-1967.

<u>Volume</u>	<u>Title</u> (continued)
IV.C.9(b)	EVOLUTION OF THE WAR - US/GVN RELATIONS: 1963 - 1967.
VI.C.1.	SETTLEMENT OF THE CONFLICT - HISTORY OF CONTACTS NEGOTIATIONS, 1965 - 1966.
VI.C.2.	VI. SETTLEMENT OF THE CONFLICT C. HISTORIES OF CONTACTS MARIGOLD.
VI.C.3.	VI. SETTLEMENT OF THE CONFLICT C. HISTORIES OF CONTACTS SUNFLOWER.
VI.C.4.	SETTLEMENT OF THE CONFLICT NEGOTIATIONS, 1967-1968 - HISTORY OF CONTACTS;

(2) Pages 1, 2, 3, 4, 9, 12, 13 and 14 of a memorandum dated 27 February 1968, entitled "REPORT OF CHAIRMAN, JCS ON SITUATION IN VIETNAM AND MACV FORCE REQUIREMENTS,";

(3) Part II of a memorandum entitled "NEGOTIATIONS AND VIETNAM: A CASE STUDY OF THE 1954 GENEVA CONFERENCE";

did willfully retain said documents and fail to deliver them to the officer or employee of the United States entitled to receive them;

In violation of Title 18, United States Code, Section 793(e).

COUNT FIFTEEN

[18 U.S.C. §793(e)]

During the period from about March 4, 1969, to about May 20, 1970, in Los Angeles County, within the Central District of California, defendant ANTHONY JOSEPH RUSSO, having unauthorized possession of, access to, and control over documents relating to the national defense consisting of:

(1) Nine volumes of a 38-volume Department of Defense study entitled "UNITED STATES - VIETNAM RELATIONS 1945- 1967":

<u>Volume</u>	<u>Title</u>
I	<u>VIETNAM AND THE UNITED STATES - 1940 - 1950.</u>
IV.A.2.	<u>AID FOR FRANCE IN INDOCHINA - 1950-1954.</u>
IV.B.5.	<u>EVOLUTION OF THE WAR - The Overthrow of Ngo Dinh Diem - May - November, 1963.</u>
IV.C.4.	<u>EVOLUTION OF THE WAR - MARINE COMBAT UNITS GO TO DA NANG - MARCH 1965.</u>
IV.C.5.	<u>PHASE I IN THE BUILD-UP OF U.S. FORCES - THE DEBATE - March - July 1965.</u>
IV.C.8.	<u>RE-EMPHASIS ON PACIFICATION: 1965 - 1967.</u>
IV.C.9(a)	<u>EVOLUTION OF THE WAR - US/GVN Relations: 1963-1967.</u>
IV.C.9(b)	<u>EVOLUTION OF THE WAR - US/GVN Relations: 1963-1967 - PART II.</u>
VI.C.4.	<u>SETTLEMENT OF THE CONFLICT - Negotiations, 1967 - 1968 - HISTORY OF CONTACTS.</u>

(2) Pages 1, 2, 3, 4, 9, 12, 13 and 14 of a memorandum dated 27 February 1968, entitled "REPORT OF CHAIRMAN, JCS ON SITUATION IN VIETNAM AND MACV FORCE REQUIREMENTS,"; did willfully retain said documents and fail to deliver

///

1 them to the officer or employee of the United States
2 entitled to receive them;

3 In violation of Title 18, United States Code, Section
4 793(e).

5 A TRUE BILL

6
7 Robert S. Jones
8 Foreman

9 David R. Nissen
10 DAVID R. NISSEN
11 Special Assistant U. S. Attorney
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